

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

SALVATORE J. SOWELL,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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Case No. 2:24-cv-3086

Chief Judge Algenon L. Marbley

Magistrate Judge Karen L. Litkovitz

ORDER


On June 5, 2024, Plaintiff filed a Complaint against the Commissioner of Social Security, requesting, among other things, that the Commissioner “allow the amount of twelve thousand five hundred (12,500) dollars to be deposited” to his inmate account. (ECF No. 1). Shortly thereafter, Plaintiff filed a Motion for Leave to Proceed *in forma pauperis* (ECF No. 3) and another untitled Motion.

On July 12, 2024, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that this Court: (1) find that Plaintiff has accumulated at least three strikes under the Prison Litigation Reform Act (“PLRA”), such that he may not proceed *in forma pauperis*; (2) find that the initiating documents do not allege is in imminent danger, such that he is exempt from the PLRA’s three-strike rule; (3) deny the application to proceed *in forma pauperis*; (4) order Plaintiff to pay the \$405 filing fee within thirty days; (5) advise him that if he fails to pay the filing fee, this case will be dismissed for failure to prosecute; and (6) deny Plaintiff’s untitled Motion (ECF No. 4) as it is incomprehensible and appears to raise issues unrelated to the Complaint. (ECF No. 6). Plaintiff was advised of his right to object to the R&R within fourteen days and of the rights he would waive by failing to do so. (*Id.*).

Defendant filed a notice of non-objection to the R&R, in which he also raised potential grounds on which Plaintiff's lawsuit could be dismissed outright. (ECF No. 8). Those arguments, irrespective of their merit, are not relevant to the R&R's conclusion with respect to the Plaintiff's request to proceed *in forma pauperis*. Defendant also explained that Plaintiff is now confined at a new facility and requested that this Court mail Plaintiff a copy of the R&R at his new address. (*Id.*). This Court obliged Defendant's request on July 29, 2024, restarting the fourteen-day period during which Plaintiff could object to the R&R. (ECF No. 10).

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court hereby **ADOPTS** the R&R (ECF No. 6) in its entirety. Plaintiff's Motion for Leave to Proceed *in forma pauperis* (ECF No. 3) is **DENIED**, as is his untitled Motion (ECF No. 4). This Court **ORDERS** Plaintiff to pay the full \$405 filing fee required to commence this action **WITHIN THIRTY DAYS** of this Order; failure to timely pay the full fee within thirty days will result in dismissal of this action.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: September 4, 2024